

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN E. BANKS, SR.	:	CIVIL ACTION
	:	
v.	:	
	:	
COLWYN BOROUGH, ET AL.	:	NO. 15-1099

ORDER

AND NOW, this 10th day of September, 2015, upon consideration of defendants Colwyn Borough, Wendell F. Reed, and Tonette Pray's motion to dismiss (docket entry #7) and the Memorandum issued this day, and plaintiff Kevin E. Banks's response in opposition thereto, and for the reasons stated in the Memorandum, it is hereby ORDERED that:

1. Defendants' motion to dismiss is GRANTED IN PART AND DENIED IN PART;
2. Defendants' motion to dismiss is GRANTED as to plaintiff's ADA and Section 1981 claims against defendant Colwyn Borough;
3. Plaintiff's ADA and Section 1981 claims against defendant Colwyn Borough are DISMISSED WITH PREJUDICE;
4. Defendants' motion to dismiss is GRANTED as to plaintiff's PHRA claims against defendants Wendell F. Reed and Tonette Pray;
5. Plaintiff's PHRA claims against defendants Wendell F. Reed and Tonette Pray in both their official and individual capacities are DISMISSED WITH PREJUDICE;
6. Defendants' motion to dismiss is GRANTED as to plaintiff's claim for punitive damages;

7. Plaintiff's claim for punitive damages is DISMISSED WITH PREJUDICE;

8. Defendants' motion to dismiss is DENIED as to plaintiff's Title VII claims against defendant Colwyn Borough;

9. Plaintiff is GRANTED LEAVE to amend his first amended complaint by submitting a second amendment complaint no later than noon on September 18, 2015;

10. Defendant Colwyn Borough shall ANSWER or appropriately RESPOND to plaintiff's second amended complaint no later than fourteen days after being served with the second amended complaint; and

11. As there is no just reason for delay of the entry of judgment, pursuant to Fed. R. Civ. P. 54(b), defendants Wendell F. Reed and Tonette Pray are DISMISSED from this case and the Clerk of Court shall MARK these defendants as TERMINATED.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.